

weighed coal. This record shall be open for inspection at any reasonable hour by any miner employed at the mine. The operator shall keep at the mine weighhouse the standard United States test weights the bureau prescribes for the use in testing the scale. But this subsection does not apply to any operator who does not employ more than three workers at any one time. The word "miner" as used in this subsection does not include a person who mines coal mechanically and is paid a day rate for his service, in accordance with the terms and provisions of any collective bargaining agreement between the operator and the employee.

(b) Before weighing the coal, the operator of any mine may not pass it over any screen or other device which takes any part from its value, or otherwise remove any of the coal. He shall credit the just and merchantable weight to the worker sending it to the surface.

(c) Before the weighmaster begins his duties, he shall satisfy the district mine inspector that he understands the operation and adjustment of a mine scale. Also, the weighmaster shall take and subscribe an affidavit before a person authorized to administer oaths that while employed in this capacity he does not, and will not have any financial interest, direct or indirect, in the mine, and that he accurately will weigh and carefully keep a record of any coal weighed. The affidavit shall be filed in the office of the clerk of the circuit court for the county where the mine is located with a copy kept conspicuously at the place of weighing. If the weighmaster becomes incapacitated, the operator may appoint temporarily another one, who understands the operation and adjustment of the mine scale. The other weighmaster may act in the place of the incapacitated one until the emergency appointee or another weighmaster is qualified. Immediate action shall be taken to qualify the temporary appointee and an immediate report of the emergency action shall be transmitted to the district mine inspector.

(d) Each miner employed in any coal mine may hire, at his own expense, a check-weighmaster, who may be present and observe the weighing of coal by the weighmaster, examine and test the scale, and inspect the weighmaster's record. The check-weighmaster shall have the same qualifications, oath, and is subject to the same penalties as the weighmaster.

(e) The weighmaster shall balance, test, and examine the scale each morning before starting to weigh coal. He shall weigh accurately and record the just net weight of the coal, crediting the employee who has sent it to the surface in tons and hundred-weights as a whole hundred-weight, computing therefore [therefor] any majority fraction of a hundred-weight and omitting credit of any fraction of a hundred-weight less than one half a hundred-weight.

(f) Seventy-six pounds avoirdupois constitutes 1 bushel of coal; 2,000 pounds avoirdupois constitutes 1 ton of coal.